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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

CLAUD R. KOERBER,

Defendant.

**MOTION FOR REVIEW OF  
DETENTION BY DISTRICT  
COURT**

Case No. 2:17-cr-00037 FB

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Pursuant to 18 U.S.C. § 3145(b) and Local Rule of Criminal Procedure 57-16, Mr. Koerber respectfully asks this Court to conduct a *de novo* review of the detention decision made by Magistrate Judge Paul M. Warner on May 31, 2019 resulting in the detention and incarceration of Mr. Koerber since that date.

“If a person is ordered detained by a magistrate judge . . . the person may file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order.” § 3145(b). Motions for review of detention orders, “shall be

determined promptly.” *Id.* This Court must apply a *de novo* standard to its review of a magistrate court’s detention decision. *United States v. Cisneros*, 328 F.3d 610, 616 n.1 (10th Cir. 2003).

Out of an abundance of caution, Mr. Koerber files this motion in compliance with the deadline set out by this Court. Mr. Koerber has twice requested and received extensions of time to file objections pursuant to Rule 59. However, in light of the Tenth Circuit’s recent ruling in *United States v. Doby*, 928 F.3d 1199 (July 8, 2019), Rule 59 time limits do not apply to § 3145 motions.

Mr. Koerber anticipates filing a memorandum in support of this motion in the coming week laying out his grounds for release. Given that the district court judge in this matter is in New York, this notice is given to appraise both this Court and the government of the forthcoming memorandum so that appropriate scheduling can be anticipated.

Mr. Koerber respectfully requests a hearing before the district court on this matter. He further requests that the Court allow him time after the hearing for additional briefing, if necessary.

Respectfully submitted this 23rd day of August, 2019.

/s/ Kathryn N. Nester

Kathryn N. Nester  
Executive Director  
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